

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) HELGA BALDWIN,

Plaintiff,

v.

(2) TACO BUENO RESTAURANTS, L.P.,

Defendant.

Case No. CIV-16-319-F

NOTICE OF REMOVAL

Pursuant to Title 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Taco Bueno Restaurants, L.P., by and through undersigned counsel, hereby removes this civil action from the District Court of Canadian County, Oklahoma, where it is currently pending as Case No. CJ-2016-138, to the United States District Court for the Western District of Oklahoma, and in support of this removal, states the following:

1. On or about March 18, 2016, Plaintiff filed suit in the District Court of Canadian County, Oklahoma, in an action entitled *Helga Baldwin v. Taco Bueno Restaurants, L.P.*, Case No. CJ-2016-138. The Summons and Petition were served on Taco Bueno Restaurants, L.P. on or about March 24, 2016. The following is a complete list of the process, pleadings, and orders that have been served and/or filed in such action, and these items are attached hereto as Exhibits “1” through “9”:

1. Summons as to Taco Bueno Restaurants, L.P. c/o Corporate Service Company;

2. Petition;
3. Entry of Appearance by Rex Travis for Plaintiff;
4. Entry of Appearance by Paul Kouri for Plaintiff;
5. Entry of Appearance by Justin C. Cliburn for Plaintiff;
6. Entry of Appearance by Jacob R. Masters for Plaintiff;
7. Summons/Return of Service as to Taco Bueno Restaurants, L.P. served on March 24, 2016; and,
8. Defendant Taco Bueno Restaurants, L.P. Special Appearance and Reservation of Additional Time to Answer or Otherwise Plead.

See a copy of the docket sheet from that action attached hereto as Exhibit “9.”

2. This case arises from an accident that allegedly occurred on the premises of the Taco Bueno Restaurant in Yukon, Oklahoma, on May 20, 2014. In her Petition, Plaintiff seeks damages arising out of the alleged negligence of Taco Bueno Restaurants in keeping its premises safe. Plaintiff requests damages "in excess of the amount required for diversity jurisdiction" *See* Petition, Exhibit “2.”

3. Defendant Taco Bueno Restaurants, L.P. is a foreign limited partnership. Taco Bueno Restaurants, L.P. has its principal place of business in the State of Texas and is organized under the law of the State of Texas. Plaintiff is a resident of the State of Oklahoma. Thus, true diversity is present, and requirements for removal are fully met pursuant to 28 U.S.C. § 1332 and LCvR 81.2.

4. Contemporaneously with the filing of this Notice of Removal, Defendant is providing written notice of filing to Plaintiff and will file a copy of this Notice of Removal

with the District Court of Canadian County, Oklahoma. A copy of the Notice to Plaintiff of Removal of Action to Federal Court and Defendant's Notice of Removal of Action to Federal Court are attached hereto as Exhibit "10."

WHEREFORE, Defendant Taco Bueno Restaurants, L.P. removes the State Court Action to the United States District Court for the Western District of Oklahoma.

Respectfully submitted,

**RHODES, HIERONYMUS, JONES, TUCKER
& GABLE, P.L.L.C.**

BY: /s/ NATHAN E. CLARK, OBA #17275

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ATTORNEYS FOR DEFENDANT,

TACO BUENO RESTAURANTS, L.P.

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of April, 2016, I electronically transmitted the foregoing document to the Clerk of the Court using ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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Paul Kouri
Justin C. Cliburn
Jacob R. Masters
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